

REMARKS

This amendment is responsive to the Office Action dated February 16, 2005. Applicants have cancelled claims 3, 9, 17-19, 28-29, and 35-37. In addition, Applicants have amended claims 4, 6, 8, 14, and 16. Claims 1, 2, 4-8, 10-16, 26, 27 and 30-34 are pending.

Claim Rejections Under 35 U.S.C. §§ 102, 103

In the Office Action, the Examiner maintained the rejection of claims 1-2, 4-5, 7-8, 10, 14-15, 18, 26-27, 29-31, and 36 under 35 U.S.C. 102(e) as being anticipated by Greco (US 2003/0070056 A1). In addition, the Examiner maintained the rejection of claims 3, 6, 9, 11-13, 16-17, 19, 28, 32-35 and 37 under 35 U.S.C. 103(a) as being unpatentable over the Greco reference in view of Albrecht et al., (US 2002/0159185 A1), Poltkin et al. (US 5,297,124), and Goodman et al. (US 2002/0169521 A1).

With this Response, the Applicants have submitted signed copies of a Second Supplemental Declaration under 37 C.F.R. 1.131. The Second Supplemental Declaration addresses the issues raised by the Examiner. Applicants respectfully request entry of the Second Supplemental Declaration and prompt allowance of the claims.

In the Office Action, the Examiner stated that Applicants' declaration filed on May 5, 2004 under 37 CFR 1.131 was ineffective to overcome the Greco reference for two reasons:

(1) The Examiner stated that the evidence submitted was insufficient to establish a conception of all of the claimed limitations prior to the effective date of the Greco reference. In particular, the Examiner concluded that claims 3, 4, 6, 13, 14, 17, 18 and 19 include limitations not literally described within the Exhibit submitted by the Applicants.

Applicants have cancelled claims 3, 9, 17-25, 28-29, and 35-37. In addition, Applicants have amended claims 4, 6, 8, 14, 16, and 34. Applicants submit that the attached exhibits provide more than sufficient evidence to support the conception of the claimed elements or obvious variations thereof prior to the reference date.

(2) In addition, the Examiner stated that the evidence was insufficient to establish diligence as the Applicants failed to address the periods between 9/27/01 - 9/30/01 and 10/02/01 - 10/08/01. Applicants respectfully point out that the effective date of the Greco reference is October 5, 2001. Thus, the Applicants need not demonstrate diligence prior to October 5, 2001

(10/5/2001) in order to overcome the Greco reference. Consequently, the Examiner's rejection of Applicants' Declaration based on periods prior to 10/5/01 is improper. Notwithstanding this error, Applicants have revised the Declaration to clarify their reasonable diligence from prior to October 5, 2001, to the filing date of this application.

Applicants submit that the Supplemental Declaration and accompanying Exhibits establish that the Applicants conceived the inventions set forth in claims 1, 2, 4-8, 10-16, 19, 26, 27 and 30-34 of this application prior to October 5, 2001, and worked on such inventions with reasonable diligence from prior to October 5, 2001 to the filing date of this application. Accordingly, in view of the Declaration and Exhibits, Applicants respectfully submits that the rejections of claims 1, 2, 4-8, 10-16, 19, 26, 27 and 30-34, which are based upon the Greco reference having an effective date of October 5, 2001 under 35 U.S.C. § 102(e), should now be withdrawn.

Applicants do not acquiesce to or admit in any way to the propriety of the rejections advanced by the Examiner under sections 102 and 103 with respect to any of the claims. On the contrary, such claims recite a number of features that are neither disclosed nor suggested by the applied references. The Declaration should render moot such rejections in accordance with 37 C.F.R. 1.131 and expedite allowance of the pending claims.

No new issues have been raised by way of this response, and the evidence set forth in the Supplemental Declaration and accompanying Exhibits overcome the Greco reference and place the claims in a condition for allowance.

CONCLUSION

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

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